



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

10/820,383

04/08/2004

Peter Seitz

FELD-134XX

8459

207 7590 07/11/2007  
WEINGARTEN, SCHURGIN, GAGNEBIN & LEOVICI LLP  
TEN POST OFFICE SQUARE  
BOSTON, MA 02109

EXAMINER

YENKE, BRIAN P

ART UNIT

PAPER NUMBER

2622

MAIL DATE

DELIVERY MODE

07/11/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

**Application No.**

10/820,383

**Applicant(s)**

SEITZ, PETER

**Examiner**

BRIAN P. YENKE

**Art Unit**

2622

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on Telephone Conv (26 Jun 07).
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1 and 3-26 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) all the above is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>040804;112706;011607</u>                                      | 6) <input type="checkbox"/> Other: _____                          |

#### **DETAILED ACTION**

1. On 26 June 2007, the applicant's representative called the examiner and made a request for a new Final Rejection since the claims had been amended to remove the New Matter limitation to overcome the Final Rejection based upon such. The examiner agreed that a new Final Rejection would be provided and the period for time to reply would be reset accordingly.

#### ***Response to Arguments***

2. Applicant's arguments with respect to claims have been considered but are moot in view of the new ground(s) of rejection.

#### ***Specification***

3. The disclosure is objected to because it contains an embedded hyperlink and/or other form of browser-executable code. Applicant is required to delete the embedded hyperlink and/or other form of browser-executable code. See MPEP § 608.01.

The link (page 2, line 18-19) may be provided on a IDS Form 1449, and the appropriate pages of such link should also be provided.

The examiner notes the applicant previously attempted to remedy this objection via amendment (27 Nov 06), however the removal of the underline does not remedy the objection. The examiner suggests to the applicant to remove such link and include it on a PTO-1449 and amend the paragraph accordingly (i.e. removing the last sentence of the paragraph).

#### ***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

Art Unit: 2622

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1 and 3-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bogardus, US 6,542,185 in view of Rott et al. and Silver et al., US 6,931,602.

In considering claims 1, 3, 15-17, 19, 20, 23 and 24,

Bogardus discloses a automated optimization system to calibrate a camera where a camera (102) senses an optical target 100 (the claimed optical stimulus) which is then provided to a personal computer (local) or computer (remote), wherein the remote location may be via a network (LAN or WAN), wherein the calibration unit via the computer transmits the required calibration data/updates back to camera 102 (Fig 1, see description). As shown the computer includes a display 104 which evaluates the received image using processor 106, image recognition 112 and calibration 114 in order to update the parameters transmitted to camera 102.

However, Bogardus does not explicitly recite remotely selecting and generating an appropriate optical stimulus to enable the adaptation of an appropriate optical stimulus according to a selected parameter(s).

The examiner incorporates Rott which discloses an adjustably camera calibration system wherein the camera may send the image locally or remotely for analysis/compilation which is used to adjust and calibrate the camera (col 4, line 3-24). Rott also discloses that the user/person conducting the testing may have consultation with a second party or more if required, via modem 60 or through telephone or PCS satellite link 62.

Regarding the limitation of sending an image remotely to a local camera, the examiner evidences such by incorporating Silver et al., which discloses sending images from a remote server to a local camera for calibration/testing.

Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to modify Bogardus which discloses a camera calibration system which may be done locally/remotely, by allowing analyzing/corrected such camera based upon adaptive parameters/settings as done by Rott, in

Art Unit: 2622

addition to providing Bogardus/Rott the ability to receive image data/optical stimulus to test/calibrate devices remotely.

In considering claim 3,

Refer to the rejection of claim 1 above.

In considering claims 4 and 18,

As stated above, Bogardus discloses an optical target 100, although does not explicitly recite the group as claimed, however the sensing of an image from the claimed groups are conventional/notoriously well known in the art, since cameras are able to capture images from a plurality of devices, therefore, the examiner takes "OFFICIAL NOTICE" regarding such devices. In the event the applicant traverses such notice the examiner would like the applicant to review the cited art of record, in addition to clarifying that sensing via a camera images from the group as claimed was never known/done prior to the applicant's invention in order to expedite prosecution.

In considering claims 5,

Bogardus discloses transmitting the captured image from said camera site to the computer, which may be local or remote. Rott also discloses that data may be transferred and then analyzed (i.e. meeting the claimed prior).

In considering claims 6-9,

Refer to the rejection of claim 1 above.

In considering claims 10 and 21-22,

Rott discloses the use of a telephone line or PCS satellite link. Silver discloses the use of the internet .

In considering claims 11-14,

Bogardus discloses that the camera and computer may be remotely located or locally, wherein locally Bogardus meets the claimed limitations as shown (Fig 1). Rott also discloses the concept of a local/remote system.

In considering claims 13-14 and 25-26,

Silver discloses the concept of remotely controlling the local devices.

### **Conclusion**

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure—see newly cited references on attached form PTO-892.

Applicant's amendment (both 30 April 07/27 Nov 06) necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian Yenke whose telephone number is (571)272-7359. The examiner work schedule is Monday-Thursday, 0730-1830 hrs.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's Supervisor, David L. Ometz, can be reached at (571)272-7593.

**Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks  
Washington, D.C. 20231

**or faxed to:**

**(571)-273-8300**

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 Customer Service Office whose telephone number is (703)305-HELP.

General information about patents, trademarks, products and services offered by the United States Patent and Trademark Office (USPTO), and other related information is available by contacting the USPTO's General Information Services Division at:

800-PTO-9199 or 703-308-HELP

(FAX) 703-305-7786

(TDD) 703-305-7785

An automated message system is available 7 days a week, 24 hours a day providing informational responses to frequently asked questions and the ability to order certain documents. Customer service representatives are available to answer questions, send materials or connect customers with other offices of the USPTO from 8:30 a.m. - 8:00p.m. EST/EDT, Monday-Friday excluding federal holidays.

For other technical patent information needs, the Patent Assistance Center can be reached through customer service representatives at the above numbers, Monday through Friday (except federal holidays) from 8:30 a.m. to 5:00 p.m. EST/EDT.

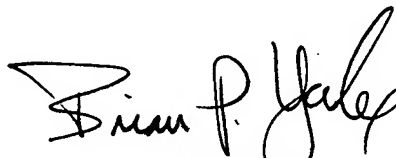
The Patent Electronic Business Center (EBC) allows USPTO customers to retrieve data, check the status of pending actions, and submit information and applications. The tools currently available in the Patent EBC are Patent Application Information Retrieval (PAIR) and the Electronic Filing System (EFS). PAIR (<http://pair.uspto.gov>) provides customers direct secure access to their own patent application status information, as well as to general patent information

Art Unit: 2622

publicly available. EFS allows customers to electronically file patent application documents securely via the Internet. EFS is a system for submitting new utility patent applications and pre-grant publication submissions in electronic publication-ready form. EFS includes software to help customers prepare submissions in extensible Markup Language (XML) format and to assemble the various parts of the application as an electronic submission package. EFS also allows the submission of Computer Readable Format (CRF) sequence listings for pending biotechnology patent applications, which were filed in paper form.



B.P.Y.  
29 June 2007



BRIAN P. YENKE  
PRIMARY EXAMINER